

So much as relates to prohibiting officers of the State Government from acting as Agents for claims against the State, to the committee on State Affairs.

Mr. Potter moved a reconsideration of the vote, refusing to pass a bill for the relief of the Texas Western Railroad Company.

On motion of Mr. Burroughs, the motion was laid on the table.

The report from the committee on Internal Improvements, offering a substitute for a bill to incorporate the Eastern Texas Railroad Company, was read and substitute adopted.

Mr. Taylor, of Fannin, moved to amend the bill by making Section 13 read :

“Fifty thousand in Gold Coin, less the cost of transportation and risk from New Orleans to the city of Austin, in the Treasury of the State of Texas.”

Pending which, on motion of Mr. Lott, the Senate adjourned, until to-morrow morning 10 o'clock.

TUESDAY, January 5th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present—Journal of yesterday was read and adopted.

Mr. Russell, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed.

A bill to ascertain what Land Certificates have been illegally issued by County Courts of Peter's Colony, and to provide for the issuance of patents upon such as are legal.

A bill for the relief of A. T. Pickett, of Dallas county.

A bill for the relief of Moody & Dohme.

A bill for the relief of W. J. Whiting.

A bill for the relief of Robert Baldwin, and

A bill supplemental to an act to give each corporate county its own County Surveyor, Maps and Records.

Mr. Taylor of Houston, chairman of the committee on Enrolled Bills, reported the following bills, correctly enrolled, and properly signed and this day presented to the Governor.

“A bill to authorize the Commissioner of the General Land Office to cancel Patent No. 815, Vol. 8, issued to the heirs of Gregorio Sais, and to issue a patent to the heirs of Vicente Sais.

A bill to regulate the pay of Grand and Petit Jurors in the county of Smith.

A bill to incorporate the town of Boham, and

A bill to repeal a portion of act of February 10, 1852, entitled an act relating to lands in Peter's Colony.

Mr. Guinn made the following report :

The committee on Claims and Accounts have considered the petition of D. Walsh, and recommend its rejection. The petitioner wants pay for Blacksmith Work done in the year 1839, on the Public Buildings. The committee think the proof insufficient, as he had no certificate from the proper authorities, and it would have been easy for him to have obtained one at the time, all parties being present at the city of Austin. The committee therefore think it entirely safe and correct to reject the claim.

Mr. Martin made the following reports :

The committee on Private Land Claims, have considered the petition of Mary Collins, widow of John Collins, dec'd, and find that Certificate No. 166 was regularly issued as stated in said petition ; that all the proof necessary was established before a competent court, and that petitioner has received no benefit therefrom. I am therefore instructed to report and recommend the passage of

A bill for the relief of Mary A. Collins, read first time.

The committee on Private Land Claims recommend the passage of a House bill for the relief John J. E. Gregory.

The committee on Private Land Claims recommend the passage of a bill for the relief Jose Maria Gonzales.

Mr. Britton, chairman of the committee on the Militia, to which was referred a bill authorizing the Governor to draw and distribute the arms and accouterments from the United States Government to which the State of Texas is entitled, reported the same back and recommended its passage.

Mr. McCulloch, chairman of the committee on Counties and County Boundaries to which was referred a House bill to create the county of Throckmorton, reported the same back to the Senate and recommended its passage.

Mr. Pirkey made the following reports :

The committee on Public Lands have considered a bill for the relief of Elbridge G. Rector. It appears from the testimony that said Rector received two wounds at the battle of San Jacinto ; one in the arm, the other in the side ; his constitution is feeble and he has suffered much inconvenience from

said wounds, and is disabled in pursuing his ordinary avocation; it also appears that he has always been a ready and courageous soldier. Your committee therefore think the relief ought to be granted, and instruct me to report the accompanying substitute, and recommend its adoption and the passage of the bill.

The committee on Public Lands have considered a bill for the relief of Wm. Dewoody; it appears from the testimony that said Dewoody obtained a Conditional Certificate from the Board of Land Commissioners of Bastrop county in July, 1839; and in February, 1856, he applied to said County Court for an Unconditional Certificate, and made the proof required by the act of February 4th, 1854, upon which said Court issued to him Unconditional Certificate No. 7. This the Commissioner of Claims rejected, because it had been issued after the expiration of the law which authorized the Court to issue. The committee think the relief ought to be granted, and instruct me to recommend the passage of the bill.

Mr. Potter made the following reports:

The committee on the Judiciary have considered a bill to incorporate the Lynchburg Steam Saw Mill and Ship Yard Company and direct me to return the same to the Senate, and recommend its passage with the following amendments:

Amend 1st.—In Section 1, line 6, after the word company, insert “for the purpose of establishing and carrying on a Steam Saw Mill and Ship Yard.”

Amend 2d.—In Section 1, line 7, strike out “it” and insert “that name.”

Amend 3d.—At the end of Section 5 add as follows:

“And the corporation hereby created may continue for twenty years from and after the passage of this and no longer.”

The Judiciary committee have considered a House bill to incorporate the Tellico Manufacturing Company, and direct me to recommend the passage of the bill with the following amendments:

Amendments.

In Section 3, line 1, strike out “having been elected.”

In same Section line 2, after “directors,” strike out all to the word “shall” in third line.

In Section 3, line 4, after “elected,” strike all to and including the word “issued” in the 6th line.

In same Section line 7, after the word "personal" insert "now owned or hereafter to be acquired by them its."

In Section 6, line 8, after "sell" insert "such share or shares of stock."

In same line after "hand," insert "after first giving ten days public notice of the time and place of such sale and upon such sale."

In Section 7, line 6, strike out "ninety-nine" and insert "twenty."

In Section, 8, line 1, strike out "bonds" and insert "drafts."

In same Section line 2, strike out "against" and insert "on."

In same Section, line 6, after "drafts" strike "or bonds."

In same Section line 7, after "provided" strike out all to the end of the Section, and insert, "that the payees or owners of such drafts shall hold a lien on the property of the Company for the payment thereof."

In Section 12, line 6, after "holders," strike out all to the end of the Section and insert, "they may do so."

The Judiciary committee have considered the petition of sundry citizens of the town of Knoxville, Cherokee county, praying the passage of an act prohibiting the sale of ardent spirits within three miles of said town. The many crying evils growing out of the use of intoxicating liquors are well known to all, and are greatly to be lamented, but in the opinion of a majority of the committee, the propriety of prohibiting liquor laws, as a remedy for these evils, is more than questionable; public opinion is more certain and efficient in furnishing a remedy against the use of the intoxicating cup than any prohibitory legislation can be; that public opinion which would have sufficient weight and strength to procure the enactment of prohibitory laws, would be sufficiently strong to frown down the use of the accursed poison or by the exhortation and example of the good and virtuous to lure the wanderer back to the paths of temperance. The proper administration of the laws now in force regulating the retail of ardent spirits, together with the moral power of the precept and example of the temperate will, the committee trust, be sufficient to effect the object sought by the petitioners. A majority of the committee therefore direct me to return the petition to the Senate and recommend that it be laid on the table.

The Judiciary committee have considered a House to be entitled an act to prohibit the location, survey and patenting of certain Certificates issued under the provisions of the act of February 10, 1852, entitled an act relating to lands in Peters' Colony, and find that it is necessary to pass the bill as the Senate bill providing for ascertaining what Land Certificates have been illegally issued by the County Courts in Peters' Colony, contains the same provisions, and also other necessary provisions in relation to Certificates issued by the County Courts in Peters' Colony ; this bill has passed the Senate. The committee therefore direct me to return the bill to the Senate and recommend its rejection.

The Judiciary committee have considered a bill to legalize the acts of the County Court Angelina county, and a majority of the committee instruct me to recommend the passage of the bill.

The Judiciary committee have examined a bill to prohibit the emancipation of slaves by will, and a majority of the committee direct me to recommend the passage of the bill.

Mr. Potter introduced a bill to define the time which the General Land Office shall be kept open for the transaction of business each day ; read first and second times and referred to the committee on the Land Office.

Mr. Taylor, of Cass, Chairman of the committee on the Public Debt, to which was referred the petition of Dr. W. Richardson, reported that there was no evidence to sustain the petition, wherefore the committee asked to be discharged from its further consideration.

A message was received from the House informing the Senate that the House had adopted a resolution requiring the committees on Counties and County Boundaries of each House to hold Joint Sessions.

Also that the House had concurred in the Senates, resolution to raise a committee on Public Grounds and had appointed Messrs. Holland, Evans, of McLennan and Lacy, said committee on the part of the House.

Also that the House had adopted the following resolution :
WHEREAS, by the liquidation of the debt of the late Republic of Texas, much of the labor which in consequence devolved upon the various departments of the State Government has ceased ; therefore be it

Resolved, The Senate concurring, that a Joint committee be raised to consist of three on the part of the House and two

on the part of the Senate, whose duty it shall be to examine the various offices ; that of the General Land Office, Court of Claims, Secretary of State, Comptroller and Treasurer, and ascertain the number of employees in each, and also the salary of each, and report the same to each House and whether it will be expedient to dispense with the services of the employees, and requested the concurrence of the Senate in the same, and that Messrs. Munson, Loyd and McKinney, of Travis, had been appointed said committee on the part of the House.

And that the House had passed the Senates bill amendatory of an act to incorporate the European and American Colonization Society in Texas, and the following bills originating in the House.

A Joint Resolution for the relief of the Hon. C. A. Frazer and A. W. Terrell.

A Joint Resolution instructing our Senators and requesting our Representatives in Congress on the subject of Indian spoils, and

A Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure a line of Mail Coaches between Tyler and Waco.

On motion of Mr. McCulloch, the rule was suspended, and the Resolution of the House requiring the committees on Counties and County Boundaries of the two Houses to hold Joint Sessions, was taken up, read and concurred in by the Senate.

ORDERS OF THE DAY.

The Senate proceeded to the consideration of the amendment offered by Mr. Taylor, of Fannin, to the bill to incorporate the Eastern Texas Railroad Company, which was under consideration on yesterday when the Senate adjourned.

Mr. Graham offered the following as a substitute for the amendment of Mr. Taylor, of Fannin :

Substitute for Section 13.

That said Michael G. Bright, Thomas B. Lincoln, Samuel T. Witner and associates, shall within six months after the passage of this act, deposit in the Treasury of the State of Texas, fifty thousand dollars either in Gold Coin, United States Treasury Notes or United States bonds, at the option of said corporators, subject to the sole control of the Governor, and, *Provided*, that when the company shall have

graded twenty-five miles of said road the said deposit shall be returned to said company ; otherwise, to be forfeited to the State of Texas, for the benefit of the Special School Fund, and that no rights shall vest under this act of incorporation until said deposit is made ; adopted and the amendment adopted.

On motion of Mr. Graham, the bill was amended by striking out the word "four" in Section 15, line 2, and inserting in lieu thereof "six."

On motion of Mr. Stockdale the bill was amended by adding to Section 12, "in conformity to the provisions of said laws and such other general laws of this State on the subject, which are now or may hereafter be in force.

On motion of Mr. Taylor, of Cass, the bill was amended by adding to Section 6 the following :

Provided, This company shall not issue any stock for less than its face value.

Mr. Russell moved to amend by striking out "Marshall," as the Northern terminus of the road, and inserting "said road shall run due North or as nearly so as practicable."

On motion of Mr. Guinn, the bill and amendment were recommitted to the Internal Improvement committee by the following vote :

YEAS—Messrs. Caldwell, Erath, Fall, Grimes, Guinn, Herbert, McCulloch, Maverick, Potter, Russell, Shepard, Stockdale, Taylor, of Fannin, Taylor, of Houston and Truitt—15.

NAYS—Messrs. Britton, Burroughs, Graham, Hyde, Lott, Martin, Pedigo, Pirkey, Scarborough, Taylor, of Cass, Throckmorton, Walker and Wigfall—13.

On motion of Mr Taylor, of Houston, the motion to reconsider, the vote rejecting a bill for the relief of the Texas Western Railroad Company, was taken from the table and the motion to reconsider prevailed.

On motion of Mr. Stockdale, the bill was amended by adding to Section 1 the following proviso :

And further Provided, That the privileges intended to be granted by this act, shall be forfeited unless there shall be subscribed, of the capital stock of said company, at least one hundred thousand dollars, in addition to that previously taken within six months after the said New Orleans, Algiers and

Opelousas Railway, shall be completed to the Sabine river, which said additional subscription shall be made in good faith, and five per cent thereof paid in advance.

The bill was then passed by the following vote :

YEAS—Messrs. Burroughs, Caldwell, Erath, Fall, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Pedigo, Pirkey, Scarborough, Stockdale, Taylor, of Fannin, Taylor, of Houston, Throckmorton, Truitt, Walker and Wren—22.

NAYS—Messrs. Russell and Taylor, of Cass—2.

A bill to amend the 4th Section of an act to provide for the investment of the special School Fund, special order for to-day, was read, and

On motion of Mr. Stockdale, laid on the table.

A bill to authorize the sale of the Public Domain, with the report of the committee on Public Lands, offering amendments thereto, was taken up and read.

Mr. McCulloch moved to lay the bill on the table ; lost.

The amendments offered by the committee were then adopted.

On motion of Mr. Throckmorton, the bill was made the special order for to-morrow.

On motion of Mr. Caldwell, Mr. Taylor, of Houston, was added to the committee on Internal Improvements.

A Joint Resolution instructing our delegates in Congress relative to the impeachment of the Hon. John C. Watrous ; was read and ordered to be engrossed.

On motion of Mr. Stockdale, the rule was suspended, bill read a third time and passed.

A message was received from the House informing the Senate that the House had passed,

A bill for the relief of Geo. W. Newcome, and

A bill to amend an act to define the 1st Judicial District, and fix the time of holding court therein, originating in that body.

On motion of Mr. Burroughs, the Senate adjourned until to-morrow morning 10 o'clock.